

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Patrick Weckesser, on behalf of himself
and all other similarly situated,

Plaintiffs,

vs.

Knight Enterprises S.E., LLC,

Defendant.

Civil Action No. 2:16-cv-02053-RMG

Joint Stipulation regarding Representative Discovery

Plaintiff Patrick Weckesser, on behalf of himself and all other similarly situated (“Weckesser” or “Plaintiffs”), and Defendant Knight Enterprises S.E., LLC (“KESE” or “Defendant”) (individually a “Party” and collectively, the “Parties”), acting through their undersigned counsel, stipulate and agree as follows:

1. Representative Discovery Generally. The Parties have agreed to conduct representative discovery in this matter according to the terms of this Stipulation. The Parties intend that this Stipulation will govern representative discovery in this matter within the bounds of the Court’s September 18, 2018 Amended Scheduling Order (ECF No. 44). This stipulation is not intended to contradict the provisions of that scheduling order or to expand or limit the scope of permissible and proportional discovery permitted under Fed. R. Civ. P. 26. The Parties agree to attempt to resolve any disagreements over the scope, terms, or applicability of this Stipulation in good faith before seeking judicial intervention.

2. Representative Members. The parties have agreed to select 10 Class Members to represent the conditionally-certified collective (the “Class”), which the Parties agree is an

adequate representation of the collective for liability purposes. The 10 Representative Members will consist of the 4 Class Members who have submitted declarations (Weckesser, Legette, Legree, and McKinnon) and 6 more members of the class – 3 chosen by Defendant and 3 chosen by Plaintiff.

3. Discovery.

a. Written Discovery. The Parties agree that Defendant may serve up to 10 interrogatories and 10 document requests on each of the Representative Members. Plaintiffs will conduct written discovery consistent with the Federal Rules of Civil Procedure. Plaintiffs may request documents from Defendant in regards to individual Class Members who are not Representative Members for purposes of determining potential damages for individual Class Members. Plaintiffs may also request documents that are company-wide in nature or that are not specific to any individual Class Member as allowed by the Federal Rules of Civil Procedure.

b. Depositions. Defendant will be limited to deposing only the Representative Members, with the exception of the circumstances set forth in subsection 3(c) below. Representative Member depositions will be conducted where the Member resides or in the closest geographical hub, as determined jointly by the Parties. Plaintiffs may conduct depositions consistent with the Federal Rules of Civil Procedure.

c. Use of Evidence. In the event that Plaintiffs seek to introduce declaration or other testimony from non-Representative Members, the Parties will confer so that Defendant may have the opportunity to depose that non-

Representative Member as well, should it choose to do so. Similarly, if Defendant seeks to introduce declaration or other testimony from installation technicians, whether contractors or employees, who are not part of the Class, the Parties will confer so that Plaintiffs may have the opportunity to depose that non-Class Member as well, should they choose to do so. The Party seeking to use such declaration or testimony agrees to inform the other Party as soon as possible in order that the additional deposition(s) will not create unnecessary delay.

WE SO STIPULATE:

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situated*

Charleston, South Carolina
January 23, 2018

WE SO STIPULATE:

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